

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

FIFTH THIRD BANK	)	
	)	No. 3-12-0543
v.	)	
	)	
LEGACY LIFE, LLC; and RITA M.	)	
HILL	)	

ORDER

Pursuant to the order entered April 5, 2013 (Docket Entry No. 64), counsel for the parties called the Court on April 15, 2013, at which time the following matters were addressed:

1. Counsel for the parties agreed that it was unlikely that a settlement could be reached in this case.

2. Counsel for the parties agreed that the defendants' pending motion to dismiss should be converted to and refiled as a motion for summary judgment.

Therefore, the defendants WITHDREW their pending motion to dismiss (Docket Entry No. 39) without prejudice to refile it as a motion for summary judgment.

As a result, the Clerk is directed to terminate as pending the defendants' motion to dismiss (Docket Entry No. 39).

3. Counsel for the parties agreed that they do not have sufficient time to take the necessary depositions before the May 31, 2013, deadline for completing all fact discovery.

4. Plaintiff's counsel advised that he needs to show documents covered by the agreed protective order entered February 8, 2013 (Docket Entry No. 52) to other people and that he has consulted with Mr. Netherland's attorney about this issue, but the plaintiff cannot complete discovery until that issue is resolved.

5. Defendants' counsel advised that he may assert third party claims against Mr. Netherland.

6. For all of these reasons, the May 31, 2013, deadline for completion of fact discovery will be extended by further order.

7. Counsel for the parties shall convene another telephone conference call with the Court on **Monday, April 22, 2013, at 1:00 p.m.**, to be initiated by plaintiff's counsel, to address an extension of the discovery deadline and any other necessary extensions, whether an agreement has been reached to allow limited disclosure of documents covered by the protective order, and any other appropriate matters.

It is so ORDERED.

  
\_\_\_\_\_  
JULIET GRIFFIN  
United States Magistrate Judge